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28 **UNITED STATES DISTRICT COURT**  
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30 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

31 CISCO SYSTEMS, INC.,  
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33 Plaintiff,  
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35 vs.  
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37 ARISTA NETWORKS, INC.,  
38  
39 Defendant.

40 CASE NO. 5:14-cv-5344-BLF

41  
42 **DECLARATION OF MATTHEW D.**  
43 **CANNON IN SUPPORT OF CISCO'S**  
44 **ADMINISTRATIVE MOTION TO FILE**  
45 **UNDER SEAL CONFIDENTIAL**  
46 **INFORMATION IN CISCO'S RESPONSE**  
47 **TO ARISTA'S SUPPLEMENTAL**  
48 **PROPOSED DISCOVERY PLAN**

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50  
51 **DEMAND FOR JURY TRIAL**

**DECLARATION OF MATTHEW D. CANNON**

I, Matthew D. Cannon, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. (“Cisco”). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Cisco’s Administrative Motion to File under Seal Confidential Information (“Sealing Motion”) in Cisco’s Response to Arista’s Supplemental Proposed Discovery Plan (“Cisco’s Brief”).

3. Cisco’s Brief is non-dispositive. In this context, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”( *i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

4. Pursuant to Civil L.R. 79-5(e), Cisco requests to seal the documents identified herein only because the information sought to be sealed has been directly designated by either Defendant Arista Networks, Inc. (“Arista”) or third-party Juniper Networks, Inc. (“Juniper”) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 53). Cisco does not believe the that the information so designated by Arista meets the good cause standard to be sealed. Cisco takes no position on whether the information so designated by third-party Juniper warrants sealing:

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Designator</b>
Cisco's Response to Arista's Supplemental	As highlighted in yellow in the version filed herewith, portions	Arista

1	Proposed Discovery Plan (“Cisco’s Brief”)	of pages: 3 at lines 17-19; 6 at lines 16-18 and lines 21-25; 7 at lines 19-21.	
2	Cisco’s Brief	As highlighted in blue in the version filed herewith, portions of pages: 6 at line 26 through 7 at line 2.	Juniper
3	Exhibit 5 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 5”)	Entire.	Arista
4	Exhibit 6 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 6”)	Entire.	Arista
5	Exhibit 7 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 7”)	Entire.	Arista
6	Exhibit 9 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 9”)	Entire.	Arista
7	Exhibit 10 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 10”)	Entire.	Juniper
8	Exhibit 12 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery	Entire.	Arista

1	Plan (“Exhibit 12”)		
2	Exhibit 13 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 13”)	Entire.	Arista
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6	Exhibit 14 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 14”)	Entire.	Arista
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10	Exhibit 15 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 15”)	Entire.	Arista
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14	Exhibit 17 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 17”)	Entire.	Arista
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19       5. Cisco’s Brief contains descriptions of and quotations from transcripts and exhibits

20 to depositions designated “Highly Confidential—Attorneys’ Eyes Only” by Arista. These

21 documents are included as Exhibits 5-7, 9, 12-15, and 17 to the Declaration of Matthew D.

22 Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan. Cisco

23 does not believe the that the information so designated by Arista merits sealing. Nevertheless,

24 Cisco has narrowly redacted those portions of its Brief containing information so designated by

25 Arista. Specifically, Cisco has redacted the descriptions of and quotations from these Arista

26 documents in Cisco’s brief. Redacted and unredacted highlighted versions of Cisco’s Brief are

27 attached hereto.

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1       6. Cisco's Brief also contains descriptions of and quotations from the transcript of a  
2 deposition designated "Highly Confidential—Attorneys' Eyes Only" by third-party Juniper. This  
3 document is included as Exhibit 11 to the Declaration of Matthew D. Cannon in Support of  
4 Cisco's Response to Arista's Proposed Supplemental Discovery Plan. Cisco takes no position as  
5 to whether the information designated confidential by third-party Juniper warrants sealing.  
6 Accordingly, Cisco has narrowly redacted only those portions of its Brief containing information  
7 so designated by Juniper. Specifically, Cisco has redacted the description of this Juniper  
8 document in Cisco's brief. Redacted and unredacted highlighted versions of Cisco's Brief are  
9 attached hereto.

10 7. Cisco will serve a copy of this declaration on Arista and Juniper the same day it is  
11 filed. Cisco expects that Arista and Juniper will file the required supporting declarations in  
12 accordance with Civil Local Rule 79-5(e), as necessary, to confirm that the information contained  
13 in the above-referenced document should be sealed.

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct, and that this declaration was executed in Berkeley, California, on  
16 February 16, 2016.

/s/ Matthew D. Cannon  
Matthew D. Cannon (Bar No. 252666)

1 **SIGNATURE ATTESTATION**

2 Pursuant to Civ. L.R. 5-1(i)(3), the undersigned hereby attests under penalty of perjury that  
3 concurrence in the filing of this document has been obtained from the signatory indicated by the  
4 "conformed" signature (/s/) of registered ECF User Matthew D. Cannon (Bar No. 252666).

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7 */s/ Sean S. Pak*

8 Sean S. Pak (Bar No. 219032)

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